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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Criminal Case No.: 12-CR-1428-BEN
)	
Plaintiff,)	PROPOSED FINDINGS OF FACT AND
)	RECOMMENDATION RE:
v.)	COMPETENCY HEARING
)	
TUESDIE DENISE COLLINS,)	
)	
Defendant.)	
)	

Pursuant to 28 U.S.C. § 636(b) and Local Criminal Rule 57.4.c.9, the above matter was referred to the undersigned to conduct a competency hearing and submit proposed findings of fact and recommendations to the assigned district judge.

I. FINDINGS OF FACT AND RECOMMENDATIONS

On July 10, 2012 a competency hearing was held pursuant to 18 U.S.C. § 4247(d). The Defendant, Tuesdie Denise Collins, by and through counsel, Charles Adair Esq., and the Government, by and through AUSA Matthew Gardner, submitted the issue of competency on the report prepared by Katherine DiFrancesca, Ph.D. Exhibit A. Based on Dr. DiFrancesca's report, this Court finds by a preponderance of the evidence that Ms. Collins is not presently suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the court proceedings brought against her, or to assist properly in her defense.


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1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS HEREBY RECOMMENDED that the United States District Court
3 adopt these findings and recommendation that Ms. Collins is competent to proceed in this case.

4 These findings and recommendations are submitted to the United States District Judge assigned to
5 the case, pursuant to the provisions of Fed. R. Crim. P. 59(b). Within fourteen (14) days after being served
6 with these findings and recommendations, any party may file written objections with the court and serve a
7 copy on all parties. 28 U.S.C. § 636(b)(1)(c). Objections should be captioned "Objection to Magistrate
8 Judge's Findings and Recommendations." Any response to the objections must be filed with the court and
9 served on all parties within fourteen (14) days after service of the objections. Failure to file objections
10 within the specified time may waive the right to appeal the order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th
11 Cir.1998); *Martinez v. Ylst*, 951 F.2d 1153, 1156-57 (9th Cir.1991).

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13 DATED: July 10, 2012

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16 Hon. Nita L. Stormes
17 U.S. Magistrate Judge
18 United States District Court
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